

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5 are pending in this application. Claims 1-5 are amended by this amendment. Support for the amendments to the claims is be found in the originally filed disclosure, including the drawings at least in Figs. 1, 2A-2D and 3A-3D and the specification at least from page 13, line 8 to page 17, line 12. No new matter is added.

In the outstanding Office Action, the specification was objected to; Claims 2, 4 and 5 were rejected under 35 U.S.C. §101; and Claims 1-5 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 7,305,170 (Okada) in view of U.S. 6,021,250 (Hyodo).

Initially, the specification is amended to comply with the requirements set forth in item 1 of the Office Action. Accordingly, withdrawal of the objection is respectfully requested.

Regarding the rejection of Claim 2 under 35 U.S.C. §101, the Office Action states “in the absence any evidence to the contrary and give[n] the broadest reasonable interpretation, the scope of a ‘computer readable medium’ covers a signal *per se*.” Although applicant respectfully disagrees with the analysis of the signal *per se* interpretation presented in the Office Action, it is respectfully submitted Claim 2 does not read on a signal. Claim 2 recites, *inter alia*, a **recording medium** which includes a data area in which content information is **recorded** and a management area having **recorded therein** recording-position information.

Applicant respectfully submits a **recording medium** as defined in Claim 2 cannot be reasonably interpreted as to ‘cover’ a signal as alleged in the Office Action because Claim 2 requires information to be recorded in the medium. Should this rejection be maintained in a next Office Action, then an explanation should be given as to how information can be

recorded in a 'transitory' signal. Otherwise, the rejection of Claim 2 under 35 U.S.C. §101 is improper and should be withdrawn.

As to the rejection of Claims 4-5 under 35 U.S.C. §101, the Office Action cites the *In re Bilski* standards for statutory processes, which requires the process to (1) be tied to a particular machine, or (2) transform underlying subject matter to a different state or thing. As such, it is respectfully submitted Claims 4-5 comply with the requirements of *In re Bilski* for at least the following reasons.

In particular, Claim 4 requires, *inter alia*, the writing of various types of information into areas of a recording medium (i.e., see the writing steps). It is respectfully submitted these steps tie the method of Claim 4 to a recording medium and further the recording medium is transformed by the various writing steps. Should this rejection be maintained in a next Office Action, then an explanation should be given as to why Claim 4 is not tied to a recording medium and the writing of information on the recording medium is not a transformation of the recording medium. Otherwise, the rejection of Claim 4 under 35 U.S.C. §101 is improper and should be withdrawn.

As to the rejection of Claim 5 under 35 U.S.C. §101, Claim 5 recites a memory and is amended to further recite the reading steps as being performed by a medium drive. Support for this amendment is found in at least Fig. 1 of the drawings by medium drive 11 and disc 1. It is respectfully submitted Claim 5 complies with the requirements established by *In re Bilski* and the rejection of Claim 5 under 35 U.S.C. §101 is overcome and should thus be withdrawn.

Regarding the rejection under 35 U.S.C. §103(a), Claim 1 recites:

A recording apparatus comprising:  
encoding means for encoding an input content;  
format organizing means for dividing content information resulted  
from encoding of the input content by the encoding means into access blocks  
each including a succession of frames and generating management  
information for the content information; and

writing means for *writing the content data in units of an access block into a contiguous data area of a recording medium while writing the management information into a contiguous management area of the recording medium,*

the format organizing means generates the access block so that a leading one of the frames of each access block is a base point of decoding subsequent frames, and also generates recording-position information and output-time information for each frame; and

the writing means writes an access block size information of the recording-position information for each access block and the output-time information for the leading frame into the management area, and writes a size information of the recording-position information and the output-time information for frames other than the leading frame of each access block along with each access block into the data area.

[Emphasis added].

As noted above, Claim 1 requires a recording medium with a contiguous data area and a contiguous management area. In the management area, access block size information of recording-position information for each access block and output-time information for a leading frame of each access block is written. In the data area, size information of the recording-position information and output-time information for frames other than the leading frame of each access block along with each access block are written into the data area. It is respectfully submitted Hyodo and Okada are silent regarding contiguous management and data areas, in which the above-noted information is respectively stored.

In particular, Okada uses a PCR (program clock reference) and a PES header which contains a decoding time stamp (DTS).<sup>1</sup> Okada is silent regarding size information of an access block or a frame being recorded in a recording medium as required by Claim 1.

Hyodo does not remedy the above-noted deficiencies of Okada. Hyodo merely describes object start and end times, which are converted to location information on a disc.<sup>2</sup>

Therefore, for at least the reasons noted above, it is respectfully submitted Claim 1 is allowable over the cited references. Although directed to different statutory classes and/or varying in scope, it is respectfully submitted Claims 2-5 are also allowable over the cited

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<sup>1</sup> Okada, column 9, lines 41 to 51; Figs. 9-11.

<sup>2</sup> Hyodo, column 12, lines 20-22.

references for substantially similar reasons as noted above regarding Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Consequently, in view of the present amendment and in light of the above comments, the pending claims are believed to be in condition for allowance. Should the examiner disagree, the examiner is encouraged to contact the undersigned to discuss any remaining issues. Otherwise, an early Notice of Allowance is respectfully requested.

Respectfully submitted,

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